

DECISION MEMORANDUM

**TO: COMMISSIONER ANDERSON
COMMISSIONER CHATBURN
COMMISSIONER HAMMOND
COMMISSION SECRETARY
COMMISSION STAFF
LEGAL**

**FROM: RILEY NEWTON
DEPUTY ATTORNEY GENERAL**

DATE: MAY 10, 2022

**SUBJECT: IN THE MATTER OF TETON WATER & SEWER COMPANY'S
APPLICATION FOR AUTHORITY TO INCREASE ITS RATES AND
CHARGES FOR WATER SERVICE IN THE STATE OF IDAHO; CASE
NO. TTS-W-22-02.**

On March 1, 2022, Teton Water & Sewer Company ("Company") filed an Application requesting Commission authorization to increase its rates and charges for water service. On March 29, 2022, the Company filed an Amended Application. The Company requested a July 1, 2022, effective date.

On April 25, 2022, Teton Springs Homeowner's Association ("Teton Springs") petitioned to Intervene ("Petition"). The Petition has not been opposed.

On April 27, 2022, the Company filed a Motion to Withdraw its Application ("Motion") pursuant to Rule 68, IDAPA 31.01.01.068. The Company's Motion cited customer concerns about the proposed rate increase and the possibility that future growth could pay for repairs to its system rather than current customers.

STAFF DISCUSSION AND RECOMMENDATION

Staff notes Rule 57.03, IDAPA 31.01.01.057.03, contemplates a 14-day deadline for parties or persons to answer a motion. Teton Springs has not answered the Motion. Based on conversations with Teton Spring's legal counsel, Staff understands that Teton Springs has been notified of the Company's Motion and does not oppose the Motion or intend to file an answer to the Motion.


Rule 57.03 further provides that the “Commission may act upon a motion under Rule 256.” Commission Rule of Procedure 256, IDAPA 31.01.01.256, provides, generally that, absent specific facts supporting a motion’s request to act on shorter notice, the Commission may not act upon a procedural or substantive motion in fewer than 14 days.

Staff notes that it has been less than 14 days since the Company filed its Motion. Staff further notes that the Company’s Motion lacks any facts supporting its request to act on shorter than 14-day notice. However, Rule 13, IDAPA 31.01.01.013, provides that the Commission’s Rules of Procedure “will be liberally construed to secure just, speedy and economical determination of all issues presented to the Commission. Unless prohibited by statute, the Commission may permit deviation from these rules when it finds compliance with them is impracticable, unnecessary or not in the public interest.”

Staff believes that, because the Company is seeking to withdraw its Application (and therefore, the entire case) there are no issues or facts for the Commission or any other current or potential parties, including Staff, to address. Further, Teton Springs is aware of the Company’s Motion and has not and does intend to answer it. For these reasons, Staff believes it is unnecessary and not in the public interest to delay Commission action on the Company’s Motion. Accordingly, Staff recommends the Commission grant the Company’s Motion. If the Commission grants the Company’s Motion, Staff recommends the Commission dismiss Teton Spring’s Petition to Intervene.

COMMISSION DECISION

Does the Commission wish to grant the Company’s Motion? If so, does the Commission also wish to dismiss Teton Springs’ Petition?



Riley Newton
Deputy Attorney General

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